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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General prepared in accordance with paragraph 14 of Commission on Human Rights Resolution 1999/71

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provides the human rights component for complex United Nations peace-keeping, peace-making and peace-building missions, such as those in Angola, Sierra Leone, Liberia, the Central African Republic, Ethiopia and Eritrea.

7. The African system for the promotion and protection of human rights is based on the African Charter on Human and Peoples' Rights, which came into force in 1986. Under that Charter, the African Commission on Human and Peoples' Rights has the lead mandate to address human rights issues from a regional perspective. However, its limited resources have been an obstacle to its effective functioning.

8. In recognition of the vital and unique role that this regional mechanism should play in the protection and promotion of human rights in Africa, OHCHR has provided ongoing technical assistance to the African Commission since 1986. Initially this assistance consisted of familiarizing the Commission's staff with the functioning of United Nations human rights machinery and advising the Commission on developing a programme of human rights activities. The current objective of the project is to strengthen the capacities of the African human rights system, including its Court. The long-term objective of the project is to contribute to increased awareness of human rights throughout Africa.

9. During the first African Ministerial Conference on Human Rights, held in Mauritius in April 1999, the High Commissioner for Human Rights announced a new regional approach for the protection and promotion of human rights in Africa. The High Commissioner reiterated her commitment to this approach at the Summit of the Organization of African Unity (OAU) in Lomé (Togo) in July 2000.

10. The main objectives of the new regional and subregional approach are to introduce a human rights dimension to the prevention, management and resolution of subregional and internal conflicts; to integrate human rights into all activities of the subregional organizations; to support subregional institutions for the promotion and protection of human rights through the deployment of human rights regional experts; to raise awareness about human rights through information campaigns and new information technologies; to strengthen national capacities through the development of framework subregional plans of action for the protection and promotion of human rights; and to establish operational mechanisms for early warning and emergency response.

11. In pursuit of these objectives, cooperation has been enhanced with OAU, and a subregional project for Southern Africa has been implemented. Subregional strategies for Central Africa, the Great Lakes Region and West Africa have been developed. Their implementation commenced in 2000. Subregional strategies for North and East Africa are in preparation. Cooperation is being strengthened with the Organisation internationale de la francophonie (OIF) and the Community of Portuguese-speaking Countries (CPLP) in Africa. OHCHR was represented at the International Symposium on Democracy and Human Rights organized by OIF in Bamako (Mali) in October 2000 and is assisting CPLP to organize a subregional seminar on national plans of action in the field of human rights.

12. The Arab Regional Seminar on Human Development and Human Rights, co-organized by the Arab Organization for Human Rights, UNDP and OHCHR in June 1999, led to the adoption of the Cairo Plan of Action. A two-year project designed to support the realization of the Cairo Plan of Action, in cooperation with UNDP, has now been finalized and its implementation is due to start in February 2001. Special attention will be given to strengthening Arab NGO cooperation and joint action on different dimensions of human rights work, such as research, information sharing and preparation of materials. OHCHR will continue to assist the Arab Institute for Human Rights, based in Tunis, to enhance the competencies of Arab NGOs through training courses for human rights trainers on the human rights of refugees, international humanitarian law, administrative and financial management, and the use of modern technology in the field of documentation and information; through strengthening media awareness of human rights issues; introducing human rights values into school and university curricula; and supporting studies and programmes on women's and children's rights. The Human Rights Documentation, Information and Training Centre was inaugurated by the High Commissioner in Rabat, Morocco, in April 2000. This tripartite project, supported by OHCHR, UNDP and the Government of Morocco, has become operational at a crucial moment in the democratization process taking place in the country. It is aimed at promoting a culture of human rights at all levels of Moroccan civil society and at providing target groups such as the judiciary, the police, the education sector (universities and schools), the media, and human rights, women's and children's NGOs with adequate support, according to the needs expressed.

13. The subregional project for Central Africa will contribute to strengthening the capacity of the Economic Community of Central African States (ECCAS) to make human rights a core activity and to develop a subregional plan of action in the field of human rights. A subregional centre for human rights and democracy will become operational in Yaoundé at the beginning of 2001. In this respect, a joint OHCHR/DPA needs assessment mission took place in June 2000 and a regional adviser was deployed to Yaoundé in September 2000, in line with the international community's request to utilize available regional and national expertise for technical assistance and advice in the field of human rights. A subregional workshop on national action plans for Central African countries is planned in Yaoundé in 2001. Consultations, training activities and documentation will be provided to partners at the subregional level. OHCHR will also contribute to human rights work of partners within and outside the United Nations family active in this sub-region.

14. The OHCHR Regional Adviser in Yaoundé will assist in the human rights activities in the subregion, inter alia, strengthening the national human rights commissions in Cameroon, Central African Republic and Chad; supporting the development of national human rights plans of action in Cameroon, the Republic of the Congo, the Central African Republic and Chad; enhancing cooperation with NGOs; facilitating training for public, security and military officials; and providing human rights documentation.

15. The subregional project for West Africa will contribute to strengthening of the capacity of the Economic Community of West African States (ECOWAS) to integrate human rights into all activities and will facilitate the organization and development of a subregional action plan with a special focus on vulnerable groups and on conflict prevention. A subregional workshop on national action plans in the field of human rights for West African countries will be organized in Banjul, Gambia in early 2001. A meeting to discuss the implementation of the OHCHR

subregional strategy is planned to be held in Abuja at the beginning of 2001. The regional adviser to be deployed in Abuja will assist activities in Guinea Bissau, Liberia, Mauritania and Niger. These activities include the establishment of a national human rights commission in Guinea Bissau, strengthening the National Institution on Human Rights, Poverty and Rehabilitation in Mauritania and the National Human Rights Commission in Niger; supporting the implementation of a national plan of action in Guinea Bissau and the development of national human rights plans of action in Mauritania and Niger; enhancing cooperation with NGOs; and training activities for army, police and law-enforcement officers, as well as for the media and for former combatants.

16. In the Southern Africa region, several countries have requested technical assistance from OHCHR. To maximize the impact of its involvement in the subregion, OHCHR is increasing the expertise and assistance it is providing to the Southern African Development Community (SADC) to establish a "human rights sector". The process started with the SADC Human Rights Conference, held in Mozambique in February 1994, and the Workshop on Democracy, Peace and Security, held in Namibia in July 1994. In June 1996, the SADC Organ on Politics, Defence and Security was established, based on "the observance of human rights, democracy and the rule of law". Among its objectives are promoting and enhancing the development of democratic institutions, encouraging the ratification of human rights treaties and preventing conflict in the region through an early warning system.

17. With regard to subregional training activities, a human rights training course for senior command and staff officers from the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) was organized in Gaborone in February 2000. It followed a regional training course organized for national police trainers in Gaborone in 1999. OHCHR is currently implementing a project jointly with UNDP (its main partner throughout Africa), aimed at strengthening United Nations capacity in southern Africa to respond to Governments' requests for assistance on human rights, democracy and rule of law issues. A regional programme adviser, based in Pretoria, is coordinating and consulting closely with Resident Coordinators in Southern Africa to facilitate the formulation, monitoring and evaluation of human rights, democracy and rule of law projects and activities and to provide required support and advice, upon request, to Governments and the SADC. The regional office also provides assistance to United Nations agencies on the integration of human rights into United Nations programming and is facilitating an exchange of experience between national institutions in the subregion.

18. Within the framework of the preparation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will be held in Durban, South Africa, from 31 August to 7 September 2001, the Preparatory Committee for the World Conference at its first session in Geneva in May 2000, invited the High Commissioner for Human Rights, acting in her capacity as Secretary-General of the World Conference, to draw up a draft declaration and a draft programme of action on the basis, inter alia, of regional preparatory meetings and regional seminars. One of the regional expert seminars was held, under the overarching theme "Trends, priorities and obstacles in combating racism and racial discrimination, xenophobia and related intolerance", on the topic of "Prevention of ethnic and racial conflicts" in Addis Ababa, Ethiopia, from 4 to 6 October 2000. The regional intergovernmental meeting for the Group of African States, held from 22 to 24 January 2001 in

Dakar, Senegal, took into account national preparations for the World Conference in individual States, as well as the particularities of racism, racial discrimination, xenophobia and related intolerance in the subregions.

B. Europe

1. Cooperation with the Council of Europe, the Organization for Security and Co-operation in Europe and the European Union

19. In Europe and Central Asia, OHCHR continues to cooperate with European institutions, including the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the European Union (EU). One of the main areas of focus has been the development of a regional strategy against trafficking in human beings, particularly for the purposes of prostitution. OHCHR works closely with the Council of Europe and the OSCO in the Gender Task Force and the Trafficking Task Force of the Stability Pact for South Eastern Europe. The three OHCHR country offices in southeastern Europe - in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia - have initiated a subregional strategy on trafficking to strengthen these inter-agency initiatives.

20. OHCHR regularly consults with the European regional organizations at all levels and in different country contexts. Informal inter-agency consultations have taken place on issues of concern, including the situations in Chechnya (Russian Federation) and Kosovo (Federal Republic of Yugoslavia). During 2000, the High Commissioner also engaged in consultations with the Council of Europe's Commissioner for Human Rights, Mr. Gil-Robles. OHCHR participated in the First Council of Europe Round Table with national human rights institutions held in Strasbourg on 16 and 17 March 2000. With OSCE, OHCHR jointly operates the Human Rights Office in Abkhazia (Georgia), which is part of the United Nations Observer Mission in Georgia (UNOMIG). The Human Rights Office monitors developments in the region and conducts training and workshops as part of the OHCHR technical cooperation project in Georgia. OHCHR consulted with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) on developing legal frameworks for national human rights institutions in Central Asia and protecting women's human rights in Montenegro and Kosovo (Federal Republic of Yugoslavia). In April and November 2000, OHCHR sent specialists to Albania to assist the OSCE mission in including a gender component in its training programme for national police. OHCHR cooperates with OSCE on its human rights work conducted in the context of the United Nations Interim Administration in Kosovo (UNMIK). In December 2000, an inter-agency meeting at the Council of Europe in Strasbourg brought together United Nations and European partners to discuss the coordination of programmes in the Federal Republic of Yugoslavia in the wake of dramatic changes in that country.

21. The High Commissioner for Human Rights visited the European Commission secretariat in Brussels on 1 February 2000, as well as the EU Parliament, and several meetings took place between OHCHR and the EU during the year. The EU Commission has committed substantial funds for OHCHR activities and additional projects were submitted by OHCHR to the EU secretariat for consideration in 2000, including in support of the World Conference against Racism in 2001 and its preparatory process. The EU also works with OHCHR, the Council of

Europe and OSCE in a quadripartite approach to human rights training for international field missions. In this context a joint mission to assess training needs took place in Kosovo (Federal Republic of Yugoslavia) in June 2000.

2. Preparations for the World Conference against Racism

22. In connection with the World Conference against Racism, to be held in Durban, South Africa from 31 August to 7 September 2001, OHCHR convened a seminar of experts on "Protection of minorities and other vulnerable groups and the strengthening of human rights capacity at the national level" for Central and Eastern European countries, from 5 to 7 July 2000 in Warsaw. Experts attending the seminar exchanged views on "best practices" and action-oriented strategies for dealing with racism in the region. A meeting of European and Central Asian NGOs took place in Warsaw from 15 to 18 September 2000, as part of the preparatory process for the World Conference against Racism. On 11 October 2000 the High Commissioner delivered a keynote address at the European Conference Against Racism at the Council of Europe in Strasbourg, entitled "All different, all equal: from principle to practice".

C. Latin America and the Caribbean

Cooperation with the Inter-American system

23. OHCHR is engaged in dialogue with the Organization of American States (OAS) on enhancing mutual cooperation in the Latin American and Caribbean region. The Inter-American Commission on Human Rights, and the Inter-American Court of Human Rights have been the two institutions of the OAS with which OHCHR has had the most collaboration in recent years. Dialogue has also been established with the Inter-American Commission on Women (CIM) to identify areas for cooperation on specific projects.

24. OHCHR has been cooperating with several inter-American institutions in the elaboration and implementation of regional projects aimed at promoting and protecting human rights. Preliminary discussions were held in 1998 with two such institutions, the Inter-American Institute for Human Rights (IIDH) and the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD).

25. OHCHR activities in the Latin American and Caribbean region in past years have involved providing training on reporting obligations to Spanish-speaking and English-speaking member States of the region. (Recently, courses were organized in Guyana in 1999 for English-speaking countries and in the Dominican Republic in 2000 for Spanish-speaking countries.) These training activities were carried out in collaboration with United Nations agencies.

26. OHCHR has also implemented several initiatives in Central America and in the Andean region focusing on the development of a judicial network, training activities for officials (judges, lawyers, prosecutors, police and penitentiary personnel) in the administration of justice, and the development of training methodologies. The activities were carried out in cooperation with the

Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD) and with the Andean Commission of Jurists, with which OHCHR signed a memorandum of understanding in 1998.

27. Following consultations with Member States, national, subregional and regional institutions, and experts in the field of human rights from the region, OHCHR organized an intergovernmental workshop in Quito, from 29 November to 1 December 1999, to discuss and adopt a regional framework for technical cooperation in the field of human rights. Participants in the workshop, in addition to Governments, were representatives of national institutions, networks of regional NGOs, United Nations agencies and regional institutions.

28. At the end of the workshop, Governments of the Latin American and Caribbean region adopted the Quito Regional Framework for Technical Cooperation. The framework is the basis for the OHCHR regional strategy in offering technical cooperation to member States of the region. It also constitutes the reference for cooperation with United Nations agencies, funds and programmes, and other international and regional institutions, both public and private, operating in the region.

29. The long-term objective of the Quito Framework is to contribute to the development and strengthening of national capacities for the promotion of human rights in Latin America and the Caribbean, to be a means of facilitating the development and implementation of national human rights action plans and to contribute to promoting the ratification of the international human rights instruments, with a view to ensuring the enjoyment of human rights by all segments of society in Latin America and the Caribbean.

30. The five areas which constitute the pillars of the framework are:

(i) National plans of action for the promotion and protection of human rights, aimed at strengthening national capacities in order to develop, implement and evaluate national plans for the promotion and protection of human rights;

(ii) Human rights education, aimed at strengthening national capacities to develop, implement and evaluate national plans of action and other activities for human rights education;

(iii) National institutions, aimed at strengthening the capacities of national human rights institutions, including their capacity to promote and protect all human rights and incorporate a gender perspective;

(iv) Strategies for the realization of the right to development and economic, social and cultural rights, aimed at identifying obstacles to the realization of the right to development and economic, social and cultural rights in the regional or subregional context and strengthening national and regional capacities for the promotion and realization of those rights;

(v) Promotion of the rights of women, children and other vulnerable groups, aimed at identifying obstacles to the realization of the rights of women and other vulnerable groups in the regional context and strengthening national and regional capacities for the promotion and realization of those rights.

31. The Latin American and Caribbean regional framework will enhance cooperation with partners. In this connection, OHCHR has signed a memorandum of intent with the Economic Commission for Latin America and the Caribbean which calls for cooperation in the implementation of the Framework. The Andean Commission of Jurists and ILANUD are again executing partners for the implementation of technical cooperation projects at the regional and subregional levels.

32. In planning and implementing all technical cooperation activities in the region, in addition to consulting with Governments and civil society, OHCHR will rely on the cooperation already established with United Nations partners, IIDH and other regional institutions.

33. OHCHR has also established relations with the Caribbean Ombudsman Association and supported its work and participation in various forums throughout 2000. OHCHR supported the 2nd Annual Meeting of National Institutions of the Americas and the Caribbean, held in Mexico City from 19 to 21 November 2000. The meeting established a Regional Network of National Institutions and provided input relating to the regional preparatory meeting for the World Conference and to indigenous peoples. The Fifth Annual Meeting of the Iberoamerican Federation of Ombudsmen, also held in Mexico City, from 21 to 24 November 2000, was supported by OHCHR and its regional partners and discussed issues not only relevant to the World Conference but also other human rights concerns.

34. OHCHR, in collaboration with the Government of Chile, organized the Conference of the Americas in Santiago from 4 to 8 December 2000 in preparation for the World Conference against Racism. At the Conference, Governments, national institutions and representatives of civil society discussed the key issues confronting the region. The Conference of the Americas was preceded by an expert seminar, which also took place in Santiago, with the objective of identifying priority issues for the Conference and strategies for action.

D. Asia and the Pacific

35. The OHCHR strategy and programme in the Asian and Pacific region has been in development and implementation since 1982. Through the organization of regional and subregional workshops, in the framework of its programme of technical cooperation in the field of human rights, OHCHR aims to encourage cooperation in the region to promote universal respect for, and observance of, human rights and fundamental freedoms.

36. The annual intergovernmental workshop on regional cooperation for the promotion and protection of human rights in the Asian and Pacific region has become the key forum for discussion of initiatives for regional cooperation. Regional workshops have taken place in Colombo (1982), Manila (1990), Jakarta (1993), Seoul (1994), Kathmandu (1996), Amman (1997), Tehran (1998), New Delhi (1999) and Beijing (2000). At these workshops consensus was reached on a "step-by-step" "building-blocks" approach involving extensive consultation

among Governments of the region, national institutions and NGOs on the possibility of establishing regional arrangements. It has also been agreed that regional arrangements must emerge from and be directed to the needs and priorities set by Governments of the region, with roles, functions, tasks, outcomes and achievements determined by consensus.

37. In 1998, at the Tehran Workshop, participating States adopted a Framework for Regional and Technical Cooperation in the Asian and Pacific region. The Tehran Framework identifies States' commitment to four regional priorities: national plans of action for the promotion and protection of human rights and the strengthening of national capacities; human rights education; national institutions for the promotion and protection of human rights; and strategies for the realization of the right to development and economic, social and cultural rights.

38. The New Delhi workshop in 1999 identified the next steps and activities to facilitate the process under each of the priority areas of the Tehran Framework and carried the process forward by deciding to convene inter-sessional regional and subregional workshops addressing issues under each of those areas. Consequently, the following inter-sessional workshops were convened: a regional workshop on national human rights action plans, Bangkok, July 1999; a subregional workshop on human rights education in north-east Asia, Seoul, December 1999; a subregional workshop on national plans of action for human rights education, Tokyo, January 2000; a regional workshop on the realization of the right to development and economic, social and cultural rights, Sana'a, February 2000. Details of these activities are provided in the 2000 reports of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/2000/102) and on the national institutions (E/CN.4/2000/103).

39. The conclusions adopted at the Beijing workshop in March 2000 highlighted the implementation of the technical cooperation programme as one of the key components of the promotion of human rights in the region. Member States emphasized the importance of undertaking activities under the Tehran Framework at the national and subregional levels and noted that, within each of the priority areas, attention should be paid to the promotion and protection of the rights of women, children and vulnerable groups. The Beijing conclusions also invited parliaments, national institutions and civil society groups to participate in the development and implementation of the Framework.

40. The next steps and activities identified in Beijing to facilitate the process under each of the priority areas of the Tehran Framework include: finalizing and distributing the Handbook on National Human Rights Action Plans to key beneficiaries; conducting a survey on human rights education; studying non-formal human rights education; organizing a meeting of the Asia-Pacific Forum on the role of national institutions in combating racism; providing training on protection approaches by national institutions; convening a workshop on the impact of globalization; and holding a regional preparatory meeting for the World Conference against Racism. In addition, the Beijing meeting recommended convening several workshops and other activities to bring together key experts and professional groups at the subregional level. These activities are to be implemented over a two-year period.

41. Since the Beijing workshop, the following inter-sessional workshops have been organized: a regional workshop on the role of national human rights institutions in advancing

the international human rights of women, Suva, May 2000; a subregional workshop on enhancing the role of parliaments in promoting and protecting human rights in north-east Asia, Ulan Bator, August 2000; the fifth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions, Rotorua, August 2000; and a regional workshop on National Institutions and economic, social and cultural rights, Manila, November 2000. A subregional workshop on the justiciability of economic, social and cultural rights is expected to take place in February 2001. A detailed account of the implementation of the Beijing conclusions, including these workshops, is provided in the reports of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/2001/98) and on national institutions (E/CN.4/2001/99).

42. In accordance with Commission on Human Rights resolution 2000/74, the ninth workshop for the Asian and Pacific region is to be organized in Bangkok from 28 February to 2 March 2001. A separate report on the outcome of the workshop will be submitted to the Commission at its present session. It is proposed that inter alia the workshop take stock of ongoing regional and subregional initiatives for a human rights charter.

43. In the context of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Islamic Republic of Iran will be hosting the Asian preparatory meeting. The meeting will take place in Tehran from 19 to 21 February 2001.

II. CONCLUSIONS

44. Cooperation between the United Nations and regional institutions in the field of human rights continues to be both substantive and mutually supportive. However, there is great potential to further this cooperation and to take it into new areas. Enhanced dialogue will be sought with regional organizations with a view to developing further cooperative endeavours and joint human rights projects and activities wherever feasible. The High Commissioner for Human Rights has also indicated that she will be placing special emphasis on a number of key human rights areas, including the preparations for the World Conference against Racism and the issue of trafficking in women.

45. The High Commissioner for Human Rights places high priority on strengthening relations and effective cooperation between OHCHR and regional bodies and this is reflected in the recent emphasis placed on OHCHR regional strategies for the promotion and protection of human rights.